



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

November 5, 2015

VIA ELECTRONIC MAIL

Dear NPDES General Permittee:

As you should be aware by now, IDEM has been working on transitioning several of the existing NPDES general permits-by-rule (under Title 327 Article 15 of the Indiana Administrative Code) to an administrative format. This change is occurring with rulemaking found at LSA Document #10-659, which is intended to correct deficiencies in Indiana's general permit program as identified by the U.S. Environmental Protection Agency. IDEM public noticed draft versions of the following 5 NPDES general permits on December 15, 2014:

- ING080000 Groundwater Petroleum Remediation Systems
- ING670000 Hydrostatic Testing of Commercial Pipelines
- ING250000 Once-Through Non-Contact Cooling Water
- ING340000 Petroleum Products Terminals
- ING490000 Sand, Gravel, Dimension Stone, and Crushed Stone Operations

The purpose of this letter is to notify you of the status of the rule amendments to 327 IAC 5 and 327 IAC 15 which are resulting in the conversion of the initial five (5) general permits-by-rule to administrative general permits. The rule amendments were final adopted by the Environmental Rules Board on July 8, 2015. The final rule amendments and all of the supporting documentation were then routed to the Attorney General's office and the Governor's office for their review and approval. Per Indiana statutes, the rule amendments will become effective 30 days from the date on which they were filed with the Legislative Services Agency (which occurred on October 9, 2015). So the new rule amendments become effective on Sunday, November 8, 2015. The rule amendments were published in the Indiana Register on November 4, 2015.

IDEM is issuing the final NPDES general permits today, with an effective date of November 8, 2015 (which is the same date as the effective date of the rule amendments) to ensure the continuation of the general permit coverage without any gaps. This is an informational letter to advise you how the Office of Water Quality plans to implement the transition of the general permitting program for the five categories of NPDES general permits which are being converted from rule format to administrative format.

Existing General Permit Holders

Please rest assured that all existing general permit holders are still covered by the general permits-by-rule, even after they are repealed, subject to several conditions.



A State that Works

This “bridge” is allowed by statute at IC 13-18-3-15(c) which states “After 327 IAC 5 and 327 IAC 15 are amended under [IC 13-18-3-15(a)], the terms and conditions of an NPDES general permit under that article as they existed before the amendment remain in effect and are binding on any person regulated under the NPDES general permit until the person submits a notice of intent to be covered by an NPDES general permit developed and issued under [IC13-18-3-15(b)].

IC 13-18-3-15(d) provides that any person regulated under an NPDES general permit on the effective date of the rule amendment must submit a Notice of Intent (NOI) not later than ninety (90) days after the department makes the NOI form available to the person. Otherwise the person must apply for an individual NPDES permit. *In either case, the terms and conditions of the former general permit-by-rule will continue to be in effect until IDEM takes a final action with regard to either the NOI or the individual application.*

Due to the fact that we have nearly 270 existing general permittees who are affected by this transition, we have developed an implementation plan which schedules when we will officially notify each permittee or group of permittees of the need to file the new NOI. We plan to spread this transition out over several months. Therefore, unless you have a new site that needs general permit coverage, you do not need to take action with regard to filing an NOI or an individual application at this time. What you do need to do is to review the final issued NPDES general permit to ensure that your facility is still eligible for general permit coverage. If you have any questions or are in doubt, please feel free to contact our office. We will be happy to discuss your particular situation with you either on the telephone or in person. We will work with you to try to make this transition as smooth as possible.

Today we are sending you copies of the final NPDES general permit, the fact sheet, responses to comments, and public notice of the final issuance with appeal information. Please contact us if you need to obtain a copy of the final version of the new NOI form for any of the general permits. We are not sending the NOI form to you at this time lest it be mistakenly perceived as the official notification as mentioned above and as set forth in IC 13-18-3-15(d).

One question which has already been asked pertains to those entities who have recently filed NOIs for general permit coverage. While the statute (IC 13-18-3-15) and the new general permit both require any person who desires coverage under the administrative general permit to file an NOI after the effective date of the general permit, the permitting authority does have the ability to waive some of the NOI requirements. Therefore, IDEM will waive the following items for any facility for which a complete new or renewal NOI was filed with IDEM after January 1, 2015:

1. The proof of publication in a local newspaper that the person intends to comply with the NPDES general permit.
2. The \$50 application fee (if a fee was remitted with the previous 2015 submittal).

New (Unpermitted) Facilities

A person representing any new (unpermitted) facility must utilize the new NOI form to obtain coverage under the new administrative NPDES general permit. Please contact our office to obtain the NOI form.

Appeal Information

Any party affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication within eighteen (18) days after the date of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this revocation, or otherwise entitled to review by law. This petition constitutes a request for an adjudicatory hearing.

In order to be timely filed the petition for review must be either: (1) received by the Office of Environmental Adjudication no later than the deadline date; (2) postmarked no later than the deadline date; or (3) received by private carrier by the deadline date as shown by receipt issued by the carrier.

Additional information concerning appeal procedures can be found in the attached document.

Questions?

If you have any questions about the new administrative general permits or the NPDES rule amendments, please feel free to contact Mrs. Catherine Hess of my staff by calling (317) 232-8704 [or toll-free within the state of Indiana at (800) 451-6027, ext. 28704] or via email at owqwwper@idem.in.gov.

Sincerely,



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

APPEAL PROCEDURES

The final NPDES general permits and related documents are posted on IDEM's web site at <http://www.in.gov/idem/cleanwater/2480.htm>. The final NPDES general permits are available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the final permit documents are also available at the local health departments and at IDEM's Regional Offices. The documents are also available via email request. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.in.gov/idem/5903.htm>. Please tell others whom you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law. The Petition for Administrative Review must be received by the OEA within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

1. state the name and address of the person making the request;
2. identify the interest of the person making the request;
3. identify any persons represented by the person making the request;
4. state specifically the reasons for the request;
5. state specifically the issues proposed for consideration at the hearing; and
6. identify the Final Permit terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing these NPDES Permit(s).

If the person filing the Petition for Administrative Review desires any part of any final NPDES General Permit to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to this address:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis, IN 46204

Indiana Department of Environmental Management

Office of Water Quality, Permits Branch
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
(317) 232-8670
Toll Free (800) 451-6027
www.idem.IN.gov

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of process wastewater and pit dewatering water from facilities involved in sand, gravel, dimension stone, or crushed stone operations into surface waters of the State of Indiana.

This permit is issued on: **November 5, 2015**

This permit is effective on: **November 8, 2015**

This permit expires on: **September 30, 2020**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent letter (NOI) for a new term of coverage and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

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1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This sand, gravel, dimension stone and crushed stone operations general permit covers all areas of the State of Indiana.

1.2 Discharges Authorized/Covered by this Permit

This general permit addresses any new or existing discharges of process wastewater and mine dewatering water from facilities involved in sand, gravel, dimension stone, or crushed stone operations to surface waters of the State of Indiana. It authorizes discharges of the following: waters from processes, including, but not limited to

- a) pit dewatering;
- b) channel machines;
- c) broaching;
- d) jet piercing;
- e) scrubber water from wet scrubbers used for air pollution control;
- f) dust suppression spray water;
- g) wash water from spray bars for final screening operations; and
- h) non-contact cooling water for cooling of
 - 1) crusher bearings;
 - 2) drills;
 - 3) saws;
 - 4) dryers;
 - 5) pumps; and
 - 6) air compressors.

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit an NOI pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit.

Except as provided in Section 1.3, when a Notice of Intent (NOI) is submitted as set forth in Section 4.0 below, a facility is permitted to discharge process wastewater and mine dewatering water to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon receipt of notification of inclusion/coverage by the Commissioner. Any discharges of process wastewater and mine dewatering water to a surface water of the state that are not permitted under this general permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- b) IDEM's receipt of the permittee's submittal of a Notice of Termination (see Section 5.0); or
- c) Issuance or modification of an individual permit for the discharges covered by this general permit; or
- d) A final decision by IDEM either to revoke or to not reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

1.3 Eligibility

- a) This general permit covers discharges comprised solely of process wastewater and mine dewatering water from facilities involved in sand, gravel, dimension stone, or crushed stone operations to surface waters of the state, except as limited in paragraph b below.
- b) The following discharges from facilities involved in sand, gravel, dimension stone, or crushed stone operations are not authorized by this permit:
 - 1) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
 - 2) discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters; and
 - 3) discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular facility for which the Notice of Intent (NOI) is submitted;
 - 4) discharges from crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. The flotation agents include organic amines, fatty acids, and pine oils;

- 5) industrial sand operations utilizing:
 - a. acid flotation to effect removal of iron oxide and ilmenite impurities
 - b. alkaline flotation to remove aluminate bearing materials; and
 - c. hydrofluoric acid flotation for removal of feldspar;
- 6) industrial sand operations utilizing the acid leaching process. The acid leaching process pertains to the removal of iron from feldspathic sand for use in glass manufacturing; and
- 7) storm water discharges associated with construction or industrial activity. This exclusion only pertains to storm water runoff which discharges directly to a surface water of the state. Any runoff which is directed to a quarry pit or sedimentation pond is covered by this general permit.

1.4 Fees (Application and Annual Maintenance)

Any person who seeks coverage under this general permit is required to remit an application fee with the Notice of Intent (NOI) in accordance with IC 13-18-20-12. Pursuant to the statute this fee is required for a new NOI submittal, renewals, and modification requests, including transfers of coverage requested under Section 6.2 and any planned facility changes referenced in Section 6.3 of this permit that would result in the need for an NOI. Persons covered by this general permit are also required by IC 13-18-20 to remit annual operating fees to IDEM for as long as coverage continues. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

2.0 Effluent Limitations

All permittees must control discharges as necessary to meet numeric and narrative water quality standards in the receiving water for any discharges authorized by this permit, with compliance required upon beginning such a discharge.

2.1 Discharge Limitations

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Quarterly average	Quarterly maximum	Units	Weekly average	Daily maximum	Units	Measurement frequency	Sample type
Flow[1]	Report	Report	MGD				1 x monthly	Instantaneous
Total Flow		Report	Mgal/ Qtr				1 x quarterly	Cumulative total
TSS [2]				30		mg/l	1 x quarterly	Grab

Table 2

Parameter	Quality or Concentration		Units	Monitoring Requirements	
	Daily minimum	Daily maximum		Measurement frequency	Sample type
pH [2]	6.0	9.0	s.u.	1 x quarterly	Grab

[1] Measurement of flow is required. The flow volume may be estimated.

[2] A minimum of one sample shall be collected, analyzed, and the results reported each calendar quarter. The monitoring results shall be reported on the March, June, September, and December DMR forms. The MMRs shall denote the actual day(s) on which the monitoring occurred.

2.2 Narrative Water Quality Standards

- a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;
- b) The discharge shall not contain substances that are in amounts sufficient to be unsightly or deleterious;
- c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
- e) The discharge shall not contain substances which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

3.0 Monitoring Requirements and Procedures

3.1 What to Sample

Samples shall be taken in accordance with the sample type specified in Section 2.1 of this general permit. The Commissioner may require the permittee to sample for additional parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the additional sampling requirement.

3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above. The Commissioner may require the permittee to conduct more frequent measurement of one or more of these parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the more frequent sampling requirement.

3.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of process wastewater and mine dewatering activities. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

3.4 Additional monitoring by permittee

When the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in section 3.5 below, the results of this monitoring shall be included in the calculation and reporting of the values required in the quarterly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

3.5 Testing Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods however, 40 CFR Part 136 should be checked to ascertain that a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable when they receive the prior written approval of the Commissioner.

- a) Standard Methods for the Examination of Water and Wastewater, 18th, 19th, or 20th Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.
- b) A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis, 1972 American Society for Testing and Materials, Philadelphia, PA 19103.

- b) Methods for Chemical Analysis of Water and Wastes, June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

3.6 Recording of Results

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

- a) the place (outfall number), date, and time of sampling;
- b) the person(s) who performed the sampling or measurements;
- c) the dates and times the analyses were performed;
- d) the person(s) and laboratory who performed the analyses;
- e) the analytical techniques or methods used; and
- f) the results of all required analyses and measurements.

3.7 Reporting Monitoring Results

- a) The permittee shall submit complete federal discharge monitoring reports (DMRs) and state monthly monitoring reports (MMRs) to the Commissioner containing results obtained during the previous monitoring period which shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the first completed monitoring period.
- b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.
- c) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.
- d) Permittees shall keep a duplicate copy of all completed and signed monitoring report forms submitted. These documents shall be retained either on-site at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review.
- e) DMRs, MMRs, and any communication regarding compliance with the conditions of this general permit must be sent to:

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section, IGCN Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

- f) The permittee may choose to or may be required to enroll in the NetDMR program for the electronic submittal of the federal Discharge Monitoring Reports and the state Monthly Monitoring Report forms in lieu of submitting them via U.S. Mail. If electronic reporting does become a requirement and the permittee does not have the ability to submit reports electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system

The Regional Administrator of U.S. EPA may request the permittee to submit monitoring reports to the U.S. EPA when the U.S. EPA deems it necessary to assure compliance with the permit.

3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports

- a) Effluent concentrations less than the limit of detection (LOD) shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, when a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- b) Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.

3.9 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. All records shall be kept at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review. The three year retention requirement shall be extended:

- a. automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator of U.S. EPA or the Commissioner.

3.10 Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

When this general permit is modified or revoked and reissued all persons regulated under it will be notified by IDEM. Those persons notified under this Section shall, within one hundred twenty (120) days of the receipt of notification:

- 1) submit a complete NOI containing the information required under the modified or reissued permit; or
- 2) apply for an individual NPDES permit.; or
- 3) submit a Notice of Termination (NOT) of discharge.

4.0 NOTICE OF INTENT (NOI) REQUIREMENTS

4.1 NOI Format

A person seeking coverage under this general permit shall submit the appropriate Notice of Intent (NOI) form for this specific general permit which will be provided by the Commissioner. The NOI form must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22).

The NOI shall be submitted to IDEM according to Section 4.3 of this general permit.

4.2 Deadlines for NOI Submittal

- a) For a new facility, an NOI shall be submitted at least thirty (30) days before any discharge occurs.
- b) For a facility that has existing, effective coverage under the former general permit (327 IAC 15-12), on the effective date of this general permit, the existing coverage shall automatically be extended provided that the permittee takes one of the following actions within ninety (90) days following the date that the Commissioner makes the NOI form available to the permittee.

- 1) The permittee submits a new NOI in accordance with Section 4.0 of this general permit to affirm it intends to comply with the requirements of this new general permit ;
 - 2) The permittee notifies IDEM in writing of its intent to terminate general permit coverage in accordance with Section 5.0 of this general permit; or
 - 3) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.
- c) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted not less than ninety (90) days before the permit expires.
- d) In the case of a transfer of ownership an NOI must be submitted not less than thirty (30) days before the transfer. Additional requirements for the transfer of general permit coverage are found in Section 6.2 of this general permit.
- e) The Commissioner may, with good cause shown in writing, extend any of the submission deadline time periods required above.

4.3 Submitting the NOI and Processing Fee

The Notice of Intent and all supporting documents and fees shall be submitted as follows:

Submit hard copies to this address:
Indiana Department of Environmental Management
Office of Water Quality, NPDES General Permits
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 46204-2251

IDEM continues to develop means of electronic submittals for Notice of Intent and Notice of Termination forms. Upon availability and notification by the Commissioner of an electronic application process, a person may choose to or, may be required to, utilize this process to file the NOI, NOT and other submission requirements. If the electronic application process does become a requirement and the person does not have the ability to submit NOIs or NOTs electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

4.4 NOI Content Requirements

The following information must be included in an NOI:

- a) name of the operator of the site and operator's email and mailing addresses and telephone number;
- b) name of the owner of the site and owner's email and mailing addresses and telephone number;
- c) name, telephone number, and email and mailing addresses of a contact person who is knowledgeable about the site;
- d) name of contact person for submission of monthly monitoring reports and contact's telephone number and email and mailing addresses for submission of monthly monitoring reports;
- e) the location address of the site itself, and the latitudinal and longitudinal coordinates (to the nearest second) of the center of the site;
- f) four digit SIC (Standard Industrial Classification) code that best describes the primary activity conducted at the site;
- g) brief description of the activities conducted at the site that result in the discharge;
- h) estimate of the volume of process wastewater and pit dewatering water to be discharged, in million gallons per day (mgd);
- i) latitudinal and longitudinal coordinates of each outfall location that will be discharging process wastewater and pit dewatering water, including outfall numbers;
- j) location of each sampling point;
- k) name of the surface waters receiving each discharge;
- l) characterization of all pollutant parameters known or believed to be present in the proposed discharge of wastewater based on an actual data pilot study, estimates from other engineering studies, data from other similar sites, or best professional estimates;
- m) facility location map which identifies, via names of at least two intersecting nearby streets and any permanent structures, the location of the site where the activity resulting in the discharge will be conducted, the location where the discharge will occur, and the waters receiving the discharge. The facility map must show boundaries which extend at least a one mile radius beyond the facility property. Multiple maps may be used if the location of the receiving stream is sufficiently distant from the site that too much detail is lost on the site map if only one is used;

- n) flow schematic diagram(s) that shows how the process wastewater travels through the facility to the point(s) where it is discharged (outfall point);
- o) a completed Potentially Affected Parties form (per IC 4-21.5, and mailing labels with the mail codes (Mail Code 65-42 PS) inserted on the first line of the label for each person listed;
- p) The NOI letter must also contain proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge: *(Facility name, address, address of the location of the discharging facility)* "is submitting a Notice of Intent to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under the National Pollutant Discharge Elimination System (NPDES) general permit ING490000 to discharge process wastewater from a sand, gravel, crushed stone, or dimensional stone operation. Discharge will be to *(name(s) of the stream(s) or other water body(ies)) receiving the discharge(s)*".

"Any person wishing further information about the discharge may contact *(facility contact person's name and telephone or email address)*. The decision to issue coverage under this NPDES general permit for this discharge is appealable as per IC 4-21.5 and IC 13-15-6. Any person who would like to be informed of IDEM's decision regarding coverage of this facility under this NPDES permit, and who would like to be informed of procedures to appeal the decision may contact IDEM's offices at OWQWWPER@idem.IN.gov to be placed on a mailing list to receive notification of IDEM's decision.
- q) documentation of IDEM pre-approval for the use of any water treatment additives (WTAs) to be used with the process wastewater;
- r) required permit application fee as per IC 13-18-20-12; and
- s) certification statement signed by the authorized signatory as set forth in 40 CFR 122.22.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee may request termination of coverage under this general permit when discharges of process wastewater and/or mine dewatering water to surface waters of the State have ceased. In order to do so, the permittee shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

6.2 Change of Ownership/Transfer

Coverage under this permit may be transferred in the event that the facility is sold or transferred to a new owner or operator when the following occurs:

- a) The current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date.
- b) A written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to IDEM.
- c) The transferee certifies in writing to IDEM the intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.

- d) In addition to the submittal of the written agreement for transfer the new owner or operator must also submit a new NOI in accordance with the provisions of Section 4.0 of this permit.

6.3 Planned Changes in Facility or Discharge

The permittee shall give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- a) result in a discharge from a point previously not identified in the NOI;
- b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);
- c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- d) change the amount or frequency of the discharge.

Changes resulting in the addition (item a above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

6.4 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in a NOI or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- a) any changes in contacts or responsible party;
- b) any changes to addresses- mailing address or email address- for any contact or responsible party;
- c) any changes to telephone numbers for any contact person or responsible party; and/or
- d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

6.5 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the effluent limitations contained in Sections 2.1 or 2.2 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the Commissioner in writing that an individual permit application is necessary.

6.6 Reporting Spills and Noncompliance

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify IDEM by telephone at **(888) 233-7745**:

- a) immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and
- b) as soon as possible but within two (2) hours of discovery for any bypasses, adverse incidents, or noncompliance resulting in death or acute injury or illness to animals or humans (see "Spill Response and Reporting Requirements" in 327 IAC 2-6.1).

The permittee shall report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above. The permittee shall make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. Written reports shall be submitted to IDEM within 5 days of the time the permittee becomes aware of the circumstances and may be submitted by U.S. Mail, by hand delivery, or via email. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section, IGCN Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Any written reports which are sent to IDEM via email shall be sent to wwreports@idem.IN.gov.

Any other permit noncompliance that is not subject to the reporting requirements of 40 CFR 122.41(l)-(m), 40 CFR 122.42(a), or 327 IAC 2-6.1 shall be reported at the time of submittal of the applicable Discharge Monitoring Report as referenced in Section 3.7 of this general permit.

6.7 Certified Operator

The permittee shall have any wastewater treatment facility, when applicable, under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22.

6.8 Individual or Alternative General NPDES Permit

- a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

6.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.



**National Pollutant Discharge Elimination System
GENERAL PERMIT FACT SHEET for
Wastewater Discharges from Sand, Gravel,
Dimension Stone or Crushed Stone Operations
NPDES Permit No. ING490000
October 27, 2015**

Indiana Department of Environmental Management

Office of Water Quality
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
www.idem.IN.gov

Existing Permit Information:	<u>Permit Number:</u> Existing facilities under 327 IAC 15-12 have general permit tracking numbers using the following format: ING490xxx (to be retained). <u>Expiration Date:</u> Under 327 IAC 15-12, each permitted facility has a unique expiration date based upon five years from when coverage commences. Under this general permit all permitted facilities will have the same expiration date.
Source Location:	State-wide
Receiving Streams:	All waters of the state of Indiana, except for Outstanding State Resource Waters and Outstanding National Resource Waters
Proposed Action:	New administrative NPDES general permit to replace existing NPDES general permit-by-rule (327 IAC 15-12)
Source Category	NPDES Minor – Industrial
Contacts:	Name: C. Anne Burget or Catherine Hess Contact Information: Cburget@idem.in.gov or chess@idem.in.gov Telephone: (317) 234-8745 or (317) 232-8704

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The primary condition determining eligibility for this permit is ensuring that the discharge consists of only wastewater from sedimentation treatment basins from Sand, Gravel, Dimension Stone, and Crushed Stone Operations. Dischargers who meet the eligibility requirements may seek coverage under this NPDES general permit, instead of applying for an individual NPDES permit.

Development of a Fact Sheet for NPDES permits is required by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Indiana Department of Environmental Management (IDEM) as outlined in 40 CFR 122.28 and 327 IAC 5-3-8(b).

A. Description of General Permit Category:

The purpose of this general permit is to regulate the wastewater discharges from sand, gravel, dimension stone, and crushed stone operations which utilize sedimentation basin treatment for pit dewatering, channel machines, broaching, jet piercing, scrubber water from wet scrubbers used for air pollution control, dust suppression spray water, wash water from spray bars for final screening operations, and noncontact cooling water for cooling of crusher bearings, drills, saws, dryers, pumps, and air compressors.

Sedimentation basins are settling ponds with a controlled water release structure used to collect and store sediment produced by resource extraction activities. A sedimentation basin can be constructed by excavation or by placing an earthen embankment across a low area or drainage swale. The basin detains sediment-laden runoff long enough to allow most of the sediment to settle out. Henceforth in this document these discharges will be referred to as sedimentation treatment basin discharges.

NPDES general permits are developed and issued to cover multiple facilities engaged in the same process category instead of an individual facility within the State of Indiana. IDEM first developed a general NPDES permit-by-rule (327 IAC 15-12) for quarry sedimentation treatment basin discharges in 1994. As a result of statutory changes to Indiana law in 2011, IDEM is now changing its method of administering NPDES general permits by changing from a permit-by-rule format to an administrative format which utilizes a "master general permit" (EPA terminology) which will be renewed and reevaluated on a five-year interval. Persons who seek coverage under this master general permit will continue to be assigned permit tracking numbers beginning with "ING49" but coverage under the general permit will be limited to the permit term established in the master general permit once it is issued.

These discharges are similar and require generally the same effluent limitations and monitoring requirements. As of October 2015, there are approximately 93 facilities which are currently regulated under 327 IAC 15-12. However the discharges typically do not occur on a daily basis. Since the permit requirements for all of these discharges are similar and because of the number of such dischargers, it is the opinion of IDEM that this category of sources is controlled more appropriately under a NPDES general permit. These discharges are similar in that they:

- 1) are comprised solely of wastewater from sedimentation treatment basins at sites involved with the mining and processing of sand, gravel, dimension stone or crushed stone; and

- 2) are generated on the quarry property by processes that include pit dewatering; channel machines; broaching; jet piercing; scrubber water from wet scrubbers used for air pollution control; dust suppression spray water; wash water from spray bars for final screening operations; and non-contact cooling water for cooling of crusher bearings, drills, saws, dryers, pumps, and air compressors.

B. Geographic area covered:

This general permit is intended to cover any discharge of wastewater from sedimentation treatment basins at sand, gravel, dimension stone and crushed stone operation sites within the boundaries of the state of Indiana, except as denoted herein.

C. Receiving waters:

This general permit will authorize discharges to all surface waters of the State of Indiana, except for Outstanding State Resource Waters (OSRWs) and Outstanding National Resource Waters (ONRWs). Direct dischargers to OSRWs and ONRWs are required to obtain an individual NPDES permit to regulate their discharges.

D. Eligibility

Discharges covered under this general permit will be from sand, gravel, dimension stone, and crushed stone quarries with discharges solely comprised of wastewater from sedimentation treatment basins. This general permit contains certain specific exclusions from coverage which are denoted in Section 1.3 of the permit. In such instances the person will be required to apply for an individual NPDES permit.

The following discharges are not authorized by this permit:

- 1) direct discharges into waters that are designated as an ONRW defined at IC 13-11-2-149.5 or an OSRW defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
- 2) discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters; and
- 3) discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular facility for which the Notice of Intent (NOI) is submitted;
- 4) discharges from crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. The flotation agents include organic amines; fatty acids; and pine oils;
- 5) industrial sand operations utilizing:
 - a) acid flotation to effect removal of iron oxide and ilmenite impurities;
 - b) alkaline flotation to remove aluminate bearing materials; and
 - c) hydrofluoric acid flotation for removal of feldspar;

- 6) industrial sand operations utilizing the acid leaching process. The acid leaching process pertains to the removal of iron from feldspathic sand for use in glass manufacturing; and
- 7) storm water discharges associated with construction or industrial activity. If the storm water runoff at the quarry flows into the sediment treatment basin, then such discharges are permitted because the resulting outfall is covered by this general permit. Otherwise, any discharges of storm water runoff from a quarry operation must either be covered by an individual NPDES permit or by the general permit for storm water discharges associated with industrial activity.

E. Application for Coverage:

This general permit proposes to provide coverage for any quarry with discharges composed entirely of sedimentation basin treatment wastewater from Sand, Gravel, Dimension Stone, and Crushed Stone operations which are not precluded from general permit coverage and agree to be regulated under the terms of the general permit.

Each discharger seeking coverage under this general permit must submit a Notice of Intent (NOI) form. Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit. NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and nature of the discharges to be covered by the permit.

Applicants must obtain written IDEM approval for any wastewater treatment additive (WTA) prior to its use with the water that is to be discharged under this permit. Documentation of this IDEM-approval must be submitted with the Notice of Intent (NOI) when applying for coverage under this general permit. The necessary form and complete instructions are included in State Form 50000. A separate form must be submitted for each water treatment additive that the facility uses or plans to use.

F. Antidegradation Evaluation

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation Procedures. The Tier 1 antidegradation standard found in 327 IAC 2-1.3-3(a) applies to all surface waters of the state regardless of their existing water quality. Based on this standard, for all surface waters of the state, existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. IDEM implements the Tier 1 antidegradation standard by requiring NPDES permits to contain effluent limits and best management practices for regulated pollutants that ensure the narrative and numeric water quality criteria applicable to the designated use are achieved in the water and any designated use of the downstream water is maintained and protected. Effluent limits for the following regulated pollutants are being included in this NPDES permit to satisfy the Tier 1 antidegradation standard: total suspended solids (TSS).

The Tier 2 antidegradation standard found in 327 IAC 2-1.3-3(b) applies to surface waters of the state where the existing quality for a parameter is better than the water quality criterion for that parameter established in 327 IAC 2-1-6 and 327 IAC 2-1.5. These surface waters are considered high quality for the parameter and this high quality shall be maintained and protected unless the commissioner finds that allowing a significant lowering of water quality is necessary and accommodates important social or economic development in the area in which the waters are located. IDEM implements the Tier 2 antidegradation standard for regulated pollutants with numeric water quality criteria quality adopted in or developed pursuant to 327 IAC 2-1 and 327 IAC 2-1.5 and utilizes the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6.

According to 327 IAC 2-1.3-1(b), the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6 apply to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean Water Act, including a change in process or operation that will result in a significant lowering of water quality. There are no regulated pollutants in the expected discharge from Sand, Gravel, Dimension Stone, and Crushed Stone operations that have numeric water quality criterion and therefore, the Tier 2 antidegradation standard does not apply to any new or existing discharge from Sand, Gravel, Dimension Stone, and Crushed Stone operations because the discharge cannot cause a significant lowering of water quality in the receiving stream.

The following antidegradation determination is based on 327 IAC 2-1.3. The effluent limits in the general permit for Discharges from Sand, Gravel, Dimension Stone and Crushed Stone Operations are based on the best professional judgment of the best available treatment in accordance with 327 IAC 5-5-2 and Indiana water quality standards. Indiana does not have a numeric water quality standard for TSS. The NPDES permit does not propose to establish a new or increased loading of a regulated pollutant with numeric water quality criteria; therefore, the Antidegradation Implementation Procedures in 327 IAC 2-1.3-5 and 2-1.3-6 do not apply to the permitted discharges.

G. When to Apply

All dischargers desiring coverage under this general permit must timely submit a Notice of Intent (NOI). The current NPDES general permit-by-rule (327 IAC 15-12) allows an NOI to be filed at least fifteen (15) days prior to the commencement of the proposed activity. Under the terms and conditions of this general permit, appropriate submission time frames depending upon the situation of the discharger are proposed (See Section 4.0 of the general permit):

H. Permit Conditions:

1) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a)(1) (A)-(E) and 327 IAC 2-1.5-8 have been included in this general permit to ensure that the narrative water quality criteria are met.

2) Effluent Limits & Monitoring Requirements

Under State and Federal law and regulations 40 CFR 122.44 and 327 IAC 5, a discharge permit must establish effluent limitations equivalent to best available technology economically achievable (BAT). For some industry categories, such effluent limitations have already been established by the EPA. When an industrial discharge occurs on a continuous basis, the state and federal rules require that the effluent limitations and monitoring requirements be expressed as a monthly average and daily maximum. However, discharges from quarry operations are usually of an intermittent nature.

- a) **Flow** is a standard parameter to be monitored in all NPDES permits. The general permit-by-rule required all permittees to report the daily maximum flows for each quarter. This general permit requires a slight increase in the monitoring frequency to once monthly. This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2).
- b) **pH and Total Suspended Solids (TSS)** are included in the general permit to ensure that the discharge will not violate Indiana water quality standards. Limitations for both are at the same levels as were set for this category of coverage under general permit requirements specified in 327 IAC 15-12. The pH shall be no less than 6.0 nor greater than 9.0 standard units. TSS is limited to 30 mg/l as a weekly average. The expression of this effluent limitation as a weekly average is carried forward from the general permit by rule and is justifiable based upon the intermittent nature of the discharges from quarry operations. The monitoring frequency for Total Suspended Solids and pH is set at four (4) times annually, which shall occur a minimum of once per quarter.
- c) **Total Flow.** An additional reporting requirement is being added to require the permittees to monitor and report the total flow value for the quarter in units of million gallons (mgal). This requirement has actually been a parameter listed on the Discharge Monitoring Report forms for all NPDES permittees for the past several years, and it is included to assist IDEM in properly assessing the annual permit operating fees set forth under IC 13-18-20.

3) Monitoring and Reporting Requirements

The monitoring frequency for Total Suspended Solids and pH is set at four (4) times annually, which shall occur at a minimum frequency of once per calendar quarter. Flow monitoring was previously set at once per quarter, but it is proposed to change this to a monthly requirement. Total flow must be calculated once quarterly.

The permittee is required to complete and submit federal DMRs and state MMRs to IDEM containing the results obtained during the previous monitoring period by the 28th day of the month following the monitoring period.

The permittee may choose to or may be required to enroll in the NetDMR program for the electronic submittal of the federal DMRs and the state MMR forms in lieu of submitting them via U.S. Mail. Once approved by IDEM, the permittee may use this process for submitting reports in lieu of submitting hard copies of the reports to IDEM.

I. Reporting Spills and Noncompliance

All persons covered by this general permit must monitor for, identify, and report adverse incidents. If a person covered by this general permit observes or is otherwise made aware of an adverse incident that may have resulted from a discharge, the person must notify IDEM by telephone at **(888) 233-7745**:

- immediately for incidents which pose a significant danger to human health or the environment,
- as soon as possible but within two (2) hours of discovery for any adverse incidents resulting in death or acute injury or illness to animals or humans (see 327 IAC 2-6.1), and
- within 24 hours of the person becoming aware of the adverse incident for any other adverse incidents not listed above.

The permittee shall also submit a written report to IDEM within 5 days of the permittee becoming aware of the incident and may be submitted by U.S. Mail, by fax, or by email (such reports must be sent to: wwreports@idem.IN.gov).

Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question (a) must have been discharged in the normal course of operation from an

outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

J. Fees

In accordance with IC 13-18-20-12, any application for a new permit, renewal of a permit, modification of a permit, or variance from a permit requirement must be accompanied by an application fee, which is currently \$50.00. Once approved for coverage under a general permit, the permittee is also subject to annual operating fees. These annual fees are set by statute (IC 13-18-20).

K. Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

L. Permit Term

This general permit is proposed to be in effect for a five-year term.

M. Forms, References, and Guidance Documents

The IDEM website will contain information about each of the NPDES general permits, including the issued permit(s), Notice of Intent forms, Notice of Termination Forms, State Form 50000 (for applying for approval of water treatment additives) and helpful reference documents to assist the regulated community and the general public.

This web page is still in development as of the date of this fact sheet.

Sand & Gravel General Permit Summary of Comments & IDEM Responses

The draft general permit for Sand, Gravel, Dimension Stone, and Crushed Stone (ING490000) was placed on public notice on December 15, 2014. Several modes of public notice were utilized. Notices were placed in the Indiana Register, in the Indianapolis Star and 6 other large circulation newspapers in the State of Indiana, and on IDEM's web site at <http://www.IN.gov/idem/6777.htm>. The full text of the general permit and fact sheet were posted IDEM's web page for NPDES Permits on Notice at (<http://www.IN.gov/idem/cleanwater/2480.htm>) and were sent to the existing permittees via email. During the official public notice comment period, which ended on February 6, 2015, IDEM received comments from the following persons:

Connie Ronald, Environmental Consultant, US Aggregates, Portland Office (CR)
Max Williams, P.E., Senior Environmental Engineer, Martin Marietta (MW)

Comment 1: Draft Permit page 5, Section 2.1 Discharge Limitations: The permit refers to Daily measurement of flow. Most facilities take meter readings monthly and calculate daily flow based on the capacity of the pumps involved and days in the month. Paul Higginbotham confirmed that this was acceptable, but this should be clarified in the final document. (CR)

IDEM RESPONSE: Flow may be estimated, therefore this would be acceptable. Please see footnote 1 to Tables 1 and 2.

Comment 2: Draft Permit page 5, Section 2.1 Discharge Limitations: The permit requires that the sample type for TSS be a grab sample, however, in the instructions for the NOI (Part E Existing sources) TSS is not included in the list of required grab samples. (CR)

IDEM RESPONSE: TSS should be monitored via grab sample. The NOI instructions have been amended to clarify this point.

Comment 3: Draft Permit page 12, Section 4.4 (k) requests information on surface waters, basin, sub-basin, and watershed of the waters. The NOI (Part D: Outfall Information) requests only receiving water. If watershed information is requested, what HUC level is required? (CR)

IDEM RESPONSE: This information will not be required. Section 4.4K has been amended to remove this language.

Comment 4: Draft Permit page 13 and NOI (Section 27, Required Maps) both require a site flow diagram showing the path of the wastewater through the facility. As this is a

new requirement, can you address how much detail this entails? Is a simple flow diagram sufficient? (CR)

IDEM RESPONSE: A flow diagram superimposed or drawn onto a site map is required. Information required on the site map is listed on the Notice of Intent and it includes the footprint of any buildings on the site, two labeled crossing streets near the site, the location and name of the Outfall, and the location and name of the receiving water(s). Arrows should show the flow path of the water through the facility and to the receiving water(s).

Comment 5: NOI (Section E: Effluent Characteristics) requests measurements for all the listed parameters “unless waived by the permitting authority”. Discharges are currently monitored for only TSS, Flow, and pH, so will the remaining parameters be waived, or will we be required to sample for all the parameters before submitting the NOI? (CR)

IDEM RESPONSE: Permittees are required to sample for all parameters listed on the Notice of Intent unless they request and are granted a waiver from IDEM.

Comment 6: Once the final NPDES general permit is approved, how much time will be allowed before NOIs must be submitted? For companies like U.S. Aggregates with multiple facilities, preparing all NOIs to be submitted by a specific date could be a challenge. (CR)

IDEM RESPONSE: Notices of Intent (NOIs) will be required to be submitted within ninety (90) days from the time that permittees are notified that the NOI is available for use, per IC 13-18-3-15. IDEM plans to contact/notify the existing general permit holders in phases to facilitate as smooth of a transition as possible.

Comment 7: Regarding Section 1.3 b) 7, should there be clarification that storm water that collects in aggregate pits is covered? There is obviously a substantial amount that does collect in pits. We received clarification several years ago when Tim Method was Assistant Commissioner that a Rule 6 storm water permit was not required if all storm water was discharge through a Rule 12 outfall. This implies that any storm water entering a pit is covered currently under Rule 12. (MW)

IDEM RESPONSE: New language has been added to item Section 1.3(b)(7) of the general permit to clarify this matter. Storm water runoff which enters a quarry pit would continue to be covered by this general permit, as it was under 327 IAC 15-12. The exclusion from coverage under ING490000 would only be for runoff which does not enter a quarry pit. Storm water runoff which does not enter a quarry pit would be subject to 327 IAC 15-5 or 15-6, as applicable.

Comment 8: Regarding 2.1 Table 1: From the meeting on January 30 my understanding is that the requirement of daily flow measurement as written was not intended. How will this table be modified? Most or all members of the Indiana Mineral Aggregates Association's Environmental Committee determine discharge volumes based on monthly pump meter readings and then calculate an average daily flow based on the number of days in a particular month. Is this an appropriate method based on footnote [1]?

IDEM RESPONSE: IDEM did initially propose to increase the flow monitoring and reporting requirement from once per quarter to daily. Based upon the comments we received, it was determined that the best solution was to change the reporting requirement to once monthly. Table 1 of Section 2.1 of the permit has been modified accordingly.

Comment 9: Regarding Section 3.7 c): I request that IDEM supply a sample letter format regarding the written authorization (similar to what is done for the public notice) with a reference as to why it is needed and when or how often it is to be submitted. This will make it easier to explain to those in higher authority positions why it is being requested from them on behalf of those who will sign the DMR's. My company requires a Division President level position to sign permit applications. I have a letter authorizing them to do that but I am sure that most of all companies have someone at lower authority positions signing DMR's. I would be requesting that my Division President sign a letter authorizing me to sign DMRs.

IDEM RESPONSE: Yes, IDEM can provide an example of a signature authorization letter. It will be posted on our web site.

Comment 10: Regarding Section 3.7 d): Are electronic copies of the reports acceptable if a computer is available to access them?

IDEM RESPONSE: IDEM inspectors need immediate access to reports when they visit a site. These records shall be retained on-site at the permitted facility or in such a manner that the records are reasonably available for review by agency staff to comply with the provisions of 327 IAC 5-1-3.

Comment 11: Regarding 4.4 i): Will permits under the revised rule continue to use the same outfall numbers that are currently assigned? My reason for asking is that I have sites that have "missing" numbers due to outfalls being removed from the respective permit. For example, I have one site with Outfalls 001 and 004. Outfalls 002 and 003 were removed.

IDEM RESPONSE: Outfall numbers will remain the same under the new general permit as they are currently.

Comment 12: Regarding 4.4 m): Is there a physical size limit to the maps? Is there a limit on the scale of the maps?

IDEM RESPONSE: There is no size limit for maps or scales for maps. However it is important that all significant structures and labels are sufficiently legible. If you have an unusual situation or need guidance, please feel free to contact our office before you submit your NOI.

Comment 13: Regarding 6.6 a): Is "significant danger to human health or the environment" defined anywhere in IDEM's rules or the Indiana Code?

IDEM RESPONSE: This language is based on federal rule language. IDEM staff is not aware of any definitions of this terminology.

Comment 14: Regarding 6.6: Does use of the current noncompliance report, which can be submitted via email or fax, fulfill the requirement such that an oral report or follow-up written report is not necessary? If so, is this clarification noted anywhere in the rules? Currently the only place I know where it exists is on the form itself. (MW)

IDEM RESPONSE: The use of State Form 52415 is the best way to notify IDEM of the discovery of a noncompliance event. Faxing this form to IDEM within 24 hours of the discovery of a noncompliance event fulfills both the oral and written reporting requirements. Another option is to send the notification report via email to wwreports@idem.in.gov within 24 hours of the discovery. The ability to submit reports to IDEM electronically (in lieu of by U.S. Mail) is authorized by IC 13-14-13.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER QUALITY
PUBLIC NOTICE OF ISSUANCE OF NPDES GENERAL PERMIT
PUBLIC NOTICE NO: 2015-11GP -F
ISSUANCE/NOTICE DATE: **November 5, 2015**

On November 5, 2015 the Indiana Department of Environmental Management (IDEM) issued the final NPDES General Permit for Sand, Gravel, Dimension Stone and Crushed Stone in a new format. This administrative NPDES general permit will supersede and replace the requirements for these discharges which are currently regulated under Article 15, Rule 12 of Title 327 of the Indiana Administrative Code (327 IAC 15-12). These include the following types of discharges to surface waters of the state:

NPDES Permit Number ING490000 for Sand, Gravel, Dimension Stone, and Crushed Stone Operations. The purpose of this permit is to establish requirements for point source discharges of wastewater from sedimentation treatment basins at sand, gravel, crushed stone, and dimensional stone operations. This includes sites that utilize sedimentation basin treatment for pit dewatering, channel machines, broaching, jet piercing, scrubber water from wet scrubbers used for air pollution control, dust suppression spray water, wash water from spray bars for final screening operations, and noncontact cooling water for cooling of crusher bearings, drills, saws, dryers, pumps, and air compressors.

IDEM public noticed the draft general permit from December 15, 2014 and the comment period ended on February 6, 2015. Each general permit contains specific eligibility requirements. Ineligible discharges will require an individual NPDES permit or an alternate general permit (if available). Only facilities existing within the boundaries of Indiana may obtain NPDES general permit coverage.

APPEAL PROCEDURES FOR FINAL PERMITS

The final NPDES general permits and related documents are posted on IDEM's web site at <http://www.in.gov/idem/cleanwater/2480.htm>. The final NPDES general permits are available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the final permit documents are also available at the local health departments and at IDEM's Regional Offices. The documents are also available via email request. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.in.gov/idem/5903.htm>. Please tell others whom you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law. The Petition for Administrative Review must be received by the OEA within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with

dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

1. state the name and address of the person making the request;
2. identify the interest of the person making the request;
3. identify any persons represented by the person making the request;
4. state specifically the reasons for the request;
5. state specifically the issues proposed for consideration at the hearing; and
6. identify the Final Permit terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing these NPDES Permit(s).

If the person filing the Petition for Administrative Review desires any part of any final NPDES General Permit to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to this address:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis, IN 46204

Stay Time frame: If the Petition(s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at 317/232-8591.

Questions about the final general permit may be directed to any of the following IDEM staff: C. Anne Burget at (317) 234-8745, Sheri Jordan at (317) 232-8703, or Catherine Hess at (317) 232-8704. Please send any email inquiries to owqwwper@idem.in.gov.